



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,452	12/07/2005	Marcus Carlsson	9342-31	9378

54414 7590 05/19/2006

MYERS BIGEL SIBLEY & SAJOVEC, P.A.
P.O. BOX 37428
RALEIGH, NC 27627

EXAMINER

MAI, TRI M

ART UNIT	PAPER NUMBER
----------	--------------

3727

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/527,452

Applicant(s)

CARLSSON, MARCUS

Examiner

Tri M. Mai

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO 1449 or PTO/SB/08)
 Paper No(s)/Mail Date 03/10/06

- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: 03/10/06 J.M.

DETAILED ACTION

1. Claim 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The disclosure does not teach more than one removable cover. Thus, the recitation “at least one detachable cover” is inconsistent.

2. Claims 1, and 5-9 are rejected under 35 U.S.C. 102(a) as being anticipated by JP 2002-134934. JP 934 teaches a device having a housing and a detachable cover 15, a strap 19 on the housing being concealed by the detachable cover, and an opening configured to configured to provide the carrying strap with access to the attaching means as claimed.

3. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP ‘934 in view of JP (2002-177040) or Tamamura et al. (4758855). It would have been obvious to one of ordinary skill in the art to provide a protruding eyelet as taught by JP ‘040 (Fig. 7b) or Tamamura, Fig. 10, to provide an alternative anchoring means for the strap.

4. Claims 1, and 7-9 are rejected under 35 U.S.C. 102(a) as being anticipated by JP 2002-153314. JP ‘314 teaches a device having a housing and a detachable cover 6, a strap 1 on the housing being concealed by the detachable cover, and an opening configured to configured to provide the carrying strap with access to the attaching means as claimed.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 314 in view of JP 2002-177040. It would have been obvious to one of ordinary skill in the art to provide an eyelet as taught by JP 040, portion 23, to provide an alternative anchoring means for the strap.

Art Unit: 3727

6. Claims 1, 2, 3, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 4-90707. JP 707 teaches a device having a cover 2', a strap attaching means with the strap attaching means being concealed and an opening configured to provide the carrying strap access from the exterior of the device. It is noted that there is no structural difference between the claimed electronic device and the device shown in Fig. Fig. 16 by JP 707.

Regarding claim 2, the two posts 20 in Fig. 16 forms the eyelet between.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP934 in view of JP707. To the degree it is argued that JP 934 does not teach the recess in the combination with the edge of the housing forming the opening. JP 707 teaches that it is known in the art to provide an opening by providing recess between the edge of the cover and the edge of the opening. It would have been obvious to one of ordinary skill in the art to provide an opening by providing recess between the edge of the cover and the edge of the opening as taught by JP707 to provide an alternative means for accommodate the strap end inside the housing.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kivela (3601595). Kivela teaches a device with a cover 33, a strap attaching means with the strap attaching means 23 being concealed and an opening 10 configured to provide the carrying strap access from the exterior of the device.

Election/Restrictions

9. This application contains claims directed to the following patentably distinct species: ***

Group I: figure 3a-3b,

Group II: figures 4a-4b, and

Group III: figures 5a-5b.

The species are independent or distinct because as set forth above, there is no unity of invention in view of the rejections as set forth above. Thus, the patentability now depends on the specificities of each of the disclosed species.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.


Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3727

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai 
Primary Examiner
Art Unit 3727